

SENATE BILL No. 292

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-41-27; IC 25-1-2-2.1; IC 25-23.7.

Synopsis: Mobile and manufactured homes. Provides that, for purposes of health and professions and occupations law: (1) a "manufactured home" is a home that conforms to the definition provided under federal law; and (2) a "mobile home" is a home manufactured before the imposition of federal standards. Replaces the term "mobile home park" with "mobile home community". Provides for regulation of the installation of manufactured homes and mobile homes in mobile home communities. Requires that installations in mobile home communities be performed by certified installers. Allows for the use of a lot in a mobile home community that does not comply with local ordinances, if the mobile home community and the persons dwelling in the mobile home or manufactured home located on the lot comply with standards adopted by the state department of health.

Effective: Upon passage; July 1, 2004.

Riegsecker

January 8, 2004, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 292

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-215.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2004]: **Sec. 215.5. "Manufactured home", for**
4 **purposes of IC 16-41-27, has the meaning set forth in**
5 **IC 22-12-1-16.**

6 SECTION 2. IC 16-18-2-238.5 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2004]: **Sec. 238.5 "Mobile home community",**
9 **for purposes of IC 16-41-27, has the meaning set forth in**
10 **IC 16-41-27-5.**

11 SECTION 3. IC 16-41-27-1 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This chapter
13 recognizes ~~the mobile home~~ **homes and manufactured homes** as a
14 suitable and necessary dwelling ~~unit~~ **units** in Indiana. The state
15 department may do the following:

16 (1) Require reasonable standards of health, sanitation, and safety
17 in using the dwelling units.

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(2) Require:

(A) persons dwelling in mobile homes **and manufactured homes**; and

(B) mobile home **park community** operators;

to comply with the standards.

(3) Authorize local boards to enforce the standards adopted.

SECTION 4. IC 16-41-27-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. As used in this chapter, "local board" means a local agency of government authorized to enforce the standards of health and sanitation prescribed for:

(1) mobile homes **and manufactured homes**; and

(2) mobile home **parks communities** by the state department.

SECTION 5. IC 16-41-27-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 3.5. As used in this chapter, "manufactured home" has the meaning set forth in IC 22-12-1-16.**

SECTION 6. IC 16-41-27-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. As used in this chapter, "mobile home" means a ~~vehicle~~, **dwelling**, including the equipment sold as a part of a ~~vehicle~~, **dwelling**, that: ~~meets the following conditions:~~

(1) is ~~constructed for use as a conveyance upon public streets or highways by either self-propelled or not self-propelled means:~~ **factory assembled;**

(2) is ~~designed, constructed, or reconstructed, or added to by means of an enclosed addition or room, to permit the occupancy as a dwelling for at least one (1) person:~~ **transportable;**

(3) is ~~used and occupied as a dwelling:~~ **intended for year around occupancy;**

(4) ~~Does not have a foundation other than wheels, jacks, skirting, or other temporary supports:~~ **is designed for transportation on its own chassis and placement on a temporary foundation; and**

(5) **was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 1501 et seq.).**

SECTION 7. IC 16-41-27-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) As used in this chapter, "mobile home **park**" **community**" means ~~an area one (1) or more parcels of land:~~

(1) **that are subdivided and contain individual lots that are leased or otherwise contracted;**

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(2) that are:

(A) owned, operated, or under the control of one (1) person; or

(B) jointly owned, operated, or controlled by more than one (1) person; and

(3) on which a total of at least five (5) mobile homes ~~other than mobile homes on permanent foundations, or manufactured homes are harbored on temporary supports located~~ for the purpose of being occupied as principal residences.

(b) The term includes the following:

(1) All real and personal property used in the operation of the mobile home park.

(2) ~~An area~~ **A single parcel** of land, that is subdivided and contains individual lots that are leased or otherwise contracted if at least five (5) mobile homes (other than mobile homes on permanent foundations) are harbored on temporary supports there for the purpose of being occupied as principal residences.

(3) **Contiguous but separately owned parcels of land that are jointly operated.**

(4) **Parcels of land:**

(A) that are separated by other parcels of land; and

(B) that are:

(i) jointly operated; and

(ii) connected by a private road.

(5) **One (1) or more parcels of land, if at least two (2) of the mobile homes or manufactured homes located on the land are:**

(A) accessible from a private road or interconnected private roads;

(B) served by a common water distribution system; or

(C) served by a common sewer or septic system.

SECTION 8. IC 16-41-27-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. A mobile home ~~park~~ **community** must be in the personal charge of an adult attendant or caretaker designated by the owner or operator of the mobile home ~~park~~ **community** at the times when mobile homes **and manufactured homes** in the mobile home ~~park~~ **community** are occupied by tenants. The caretaker present at the time of a violation of this chapter is equally responsible with the owner or operator of the mobile home ~~park~~ **community** for a violation of this chapter.

SECTION 9. IC 16-41-27-10, AS AMENDED BY P.L.184-2002, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2004]: Sec. 10. A mobile home ~~park~~ **community** shall provide a water supply through the use of a public water system if the water supply is reasonably available within a reasonable distance from the mobile home ~~park~~ **community**. A mobile home ~~park~~ **community** is not required to use a public water system if the water system is more than two thousand (2,000) feet from the mobile home ~~park~~ **community**. If a public water system is not available, water shall be provided by a system approved by the environmental commissioner under rules adopted by the water pollution control board.

SECTION 10. IC 16-41-27-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) A mobile home ~~park~~ **community** shall dispose of sewage through the use of a public sewerage system if the sewerage system is available within a reasonable distance from the mobile home ~~park~~ **community**. If a public sewerage system is not available, sewage may be disposed of in accordance with rules adopted under section 8 of this chapter. A water carriage system of collecting sewage shall be used. The ~~park mobile home community~~ operator shall require the owner of a mobile home to provide a watertight and odor-tight connection of a type acceptable to the state department under rules adopted by the state department.

(b) All occupied mobile homes **and manufactured homes** shall be connected to the sewerage system of the ~~park mobile home community~~ at all times. All sewer connections not in use must be closed in a manner that does not:

- (1) emit odor; or
- (2) cause a breeding place for flies.

(c) Sewerage systems other than water carriage systems may not be approved for a mobile home ~~park~~ **community**, except nonwater carriage systems may be provided for emergency use only during a temporary failure of a water or an electric system.

SECTION 11. IC 16-41-27-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. Suitable garbage containers or a garbage disposal system and trash containers shall be made available in a sanitary manner to each **occupied** mobile home **and manufactured home**. The garbage and trash of the ~~park mobile home community~~ must be disposed of in a manner approved by the state department.

SECTION 12. IC 16-41-27-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. Streets must be at least ten (10) feet wide and sufficiently wide to prevent vehicular and pedestrian traffic problems. Adequate area must be provided for the parking of vehicles. All roads in a mobile home ~~park~~ **community** shall

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be maintained to be dust proof. Each mobile home **and manufactured home** in a mobile home **park community** shall have ready and free access to the road in a park.

SECTION 13. IC 16-41-27-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 16. Domestic animals and house pets may not be permitted to run at large or commit a nuisance within the limits of a mobile home **park community**.

SECTION 14. IC 16-41-27-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17. Every part of a mobile home **park community** must be lighted at night.

SECTION 15. IC 16-41-27-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 18. A mobile home **park community** may not be operated without obtaining a license from the state department.

SECTION 16. IC 16-41-27-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19. A license to operate a mobile home **park community** shall be issued for four (4) years and expires at midnight on December 31.

SECTION 17. IC 16-41-27-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 20. (a) An application for a license to operate a mobile home **park community** must be made to the state department on a form prescribed and furnished by the state department, only after plans for the **park mobile home community** have been approved.

(b) If an operator does not apply for the renewal of a license before the date the license expires:

- (1) the license expires on that date; and
- (2) the operator must pay the penalty fee set forth in section 24(b) of this chapter to obtain a new license.

SECTION 18. IC 16-41-27-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 21. The state department may license a temporary mobile home **park community** for a period of six (6) months and waive the requirements of this chapter if:

- (1) the failure to comply with this chapter is:
 - (A) for a temporary period of time; and
 - (B) required by public convenience; and
- (2) the operation of the **park mobile home community** will not jeopardize the health and welfare of the occupants of the **park and the mobile home community or the public**.

SECTION 19. IC 16-41-27-22, AS AMENDED BY P.L.184-2002, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2004]: Sec. 22. (a) The construction of a new mobile home **park community** or alteration of an existing mobile home **park community** shall be made only after plans for the proposed construction or alteration have been forwarded to and approved by the state department.

(b) A public water system may not be constructed or altered in a new or existing mobile home **park community** until plans for the construction or alteration have been forwarded to and approved by the environmental commissioner under rules adopted by the water board.

(c) A sewage collection and disposal system may not be constructed or altered in a new or existing mobile home **park community** until:

(1) plans for construction or alteration of the sewage collection system and any septic tank absorption field have been forwarded to and approved by the state department under rules adopted by the state department; and

(2) plans for construction or alteration of any sewage disposal system other than a septic tank absorption field have been forwarded to and approved by the environmental commissioner under rules adopted by the water board.

SECTION 20. IC 16-41-27-24, AS AMENDED BY P.L.168-2003, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 24. (a) An inspection fee must be submitted to the state department with each license application. The fee is two hundred dollars (\$200) for **a total of** not more than fifty (50) mobile home **and manufactured home** sites and one hundred fifty dollars (\$150) for each increment of not more than fifty (50) additional sites. Units of state and local government are exempt from the fee.

(b) This subsection does not apply to an application made after an enforcement action. A penalty fee of two hundred dollars (\$200) for **a total of** not more than fifty (50) mobile home **and manufactured home** sites and one hundred fifty dollars (\$150) for each increment of not more than fifty (50) additional sites may be imposed by the state department for an application for license renewal filed after the license has expired.

SECTION 21. IC 16-41-27-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 26. (a) The state department shall provide a written notice to a mobile home **park community** operator of the following:

- (1) The revocation of the operator's license.
- (2) The denial of the operator's application for a license.
- (3) The denial of the approval of the construction or alteration of a ~~park~~ **mobile home community**.

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(b) The notice under subsection (a) must contain the following:

(1) A statement of the manner in which the operator has failed to comply with the law or rules of the state department.

(2) The length of time available to correct the violation.

(c) The state department may order an operator to comply with this chapter or rules adopted under this chapter. If an operator fails to comply within the time specified by the order, the state department may initiate proceedings to force compliance in the circuit court in the county of the operator's residence or in the county where the mobile home **park community** is located. The court may grant appropriate relief to ensure compliance with this chapter and rules adopted under this chapter.

SECTION 22. IC 16-41-27-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 27. The state department or a person designated by the state department may at any reasonable time inspect the premises and take necessary and reasonable steps in a mobile home **park community** to determine whether or not a mobile home **park community** is in compliance with this chapter and rules adopted under section 8 of this chapter.

SECTION 23. IC 16-41-27-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 29. (a) Subject to subsection (b), the owner, operator, or caretaker of a mobile home **park community** has a lien upon the property of a guest in the same manner, for the same purposes, and subject to the same restrictions as an innkeeper's lien or a hotel keeper's lien.

(b) With regard to a lienholder:

(1) if the property has a properly perfected secured interest under IC 9-17-6-7; and

(2) the lienholder has notified the owner, operator, or caretaker of the mobile home **park community** of the lienholder's lien by certified mail;

the maximum amount of the innkeeper's lien may not exceed the actual late rent owed for not more than a maximum of sixty (60) days immediately preceding notification by certified mail to the lienholder that the owner of the property has vacated the property or is delinquent in the owner's rent.

(c) If the notification to the lienholder under subsection (b) informs the lienholder that the lienholder will be responsible to the owner, operator, or caretaker of the mobile home **park community** for payment of rent from the time the notice is received until the mobile home **or manufactured home** is removed from the **park, mobile home community**, the lienholder is liable for the payment of rent that accrues

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after the notification.

SECTION 24. IC 16-41-27-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 30. The owner, operator, or caretaker of a mobile home **park community** may eject a person from the premises for any of the following reasons:

- (1) Nonpayment of charges or fees for accommodations.
- (2) Violation of law or disorderly conduct.
- (3) Violation of a rule of the state department relating to mobile home **parks, communities.**
- (4) Violation of a rule of the **park mobile home community** that is publicly posted within the **park, mobile home community.**

SECTION 25. IC 16-41-27-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 31. Each mobile home **park community** operator shall maintain a register open for the inspection of the state department or the state department's representatives containing the following information for each mobile home **and manufactured home** in a **park, mobile home community:**

- (1) The names and ages of all occupants.
- (2) The **name of the** owner of the mobile home **or manufactured home.**

SECTION 26. IC 16-41-27-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 32. A governmental body other than the state department of health may not license or regulate mobile home **parks, communities,** except for the following:

- (1) Local boards may enforce the standards of health and sanitation prescribed for mobile homes, **manufactured homes,** and mobile home **parks communities** by the state department.
- (2) County and municipal authorities within their respective jurisdictions have jurisdiction regarding zoning and building codes and ordinances pertaining to mobile home **parks, communities.**
- (3) Local boards may regulate the construction and operation of groups of **a combined total of** not more than four (4) mobile homes **and manufactured homes,** in accordance with standards that are compatible with standards set by the state department for mobile home **parks, communities.**

SECTION 27. IC 16-41-27-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 33. A license to engage in the operation of a mobile home **park community** is transferable only with the consent of the state department. The state department may, upon application, cancel a license issued for the operation of a mobile home **park community** and issue a new license to the transferee for the

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balance of the license period.

SECTION 28. IC 16-41-27-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 34. A person who maintains or operates a mobile home ~~park~~ **community**:

(1) without a license; or

(2) after the revocation of a license;

commits a Class B misdemeanor.

SECTION 29. IC 25-1-2-2.1, AS AMENDED BY P.L.145-2003, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

(1) Certified public accountants, public accountants, and accounting practitioners.

(2) Architects and landscape architects.

(3) Dry cleaners.

(4) Professional engineers.

(5) Land surveyors.

(6) Real estate brokers.

(7) Real estate agents.

(8) Security dealers' licenses issued by the securities commissioner.

(9) Dental hygienists.

(10) Dentists.

(11) Veterinarians.

(12) Physicians.

(13) Chiropractors.

(14) Physical therapists.

(15) Optometrists.

(16) Pharmacists and assistants, drugstores or pharmacies.

(17) Motels and mobile home ~~park~~ **community** licenses.

(18) Nurses.

(19) Podiatrists.

(20) Occupational therapists and occupational therapy assistants.

(21) Respiratory care practitioners.

(22) Social workers, marriage and family therapists, and mental health counselors.

(23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.

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(24) Wholesale legend drug distributors.

(25) Physician assistants.

(26) Dietitians.

(27) Hypnotists.

(28) Athlete agents.

(29) Manufactured home installers.

(30) Home inspectors.

SECTION 30. IC 25-23.7-1-1, AS ADDED BY P.L.162-2002, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This article applies to a person who ~~after June 30, 2003~~, installs manufactured homes for occupancy as single family dwellings.

SECTION 31. IC 25-23.7-2-7, AS ADDED BY P.L.162-2002, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. "Manufactured home" ~~has the meaning set forth~~ means:

(1) a dwelling meeting the definition set forth in IC 22-12-1-16; or

(2) a mobile home being installed in a mobile home community.

SECTION 32. IC 25-23.7-2-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7.5. "Mobile home" has the meaning set forth in IC 16-41-27-4.

SECTION 33. IC 25-23.7-2-7.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7.6. "Mobile home community" has the meaning set forth in IC 16-41-27-5.

SECTION 34. IC 25-23.7-3-2, AS ADDED BY P.L.162-2002, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) The board consists of nine (9) members appointed by the governor as follows:

(1) Four (4) members who are installers, each of whom:

(A) is licensed in Indiana as an installer; and

(B) has been actively engaged in the installation of manufactured homes for at least five (5) years immediately before the member's appointment to the board.

(2) One (1) member who represents manufactured home manufacturers with production facilities in Indiana.

(3) One (1) member who represents manufactured home dealers.

(4) One (1) member who is an operator or who is employed by an operator of a mobile home ~~park~~ community licensed under

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IC 16-41-27.

(5) One (1) member who is an owner of or who is employed by a primary inspection agency, a designation issued under 24 CFR 3282 by the United States Department of Housing and Urban Development.

(6) One (1) member who represents the general public and who is not associated with the manufactured home industry other than as a consumer.

(b) The members of the board must be residents of Indiana.

SECTION 35. IC 25-23.7-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

Chapter 8. Installation in a Mobile Home Community

Sec. 1. This chapter applies to the installation of a manufactured home in a mobile home community.

Sec. 2. An installation described in section 1 of this chapter must be performed:

(1) by a person certified under this article; and

(2) in accordance with the manufacturer's installation instructions.

Sec. 3. Utilities and other facilities that served a mobile home or manufactured home formerly installed in a mobile home community may be modified and used for an installation.

Sec. 4. Supports that served a mobile home or manufactured home formerly installed in a mobile home community may be modified or expanded to use for an installation. However, upon completion of the installation, the supports must be adequate to serve the mobile home or manufactured home that is installed.

Sec. 5. (a) An existing location within a mobile home community that is:

(1) valid and conforming; or

(2) valid and nonconforming;

under a local ordinance may be modified to provide adequate support and utilities for an installation described in section 1 of this chapter.

(b) A location modified under subsection (a) retains the status that the location possessed under the local ordinance before the modification.

(c) If an installation on a location described in subsection (a) is installed in accordance with rules adopted under IC 16-41-27, the location is not considered new work or new construction.

SECTION 36. THE FOLLOWING ARE REPEALED [EFFECTIVE

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1 JULY 1, 2004]: IC 16-18-2-273; IC 16-18-2-350; IC 16-41-27-6;
 2 IC 16-41-27-7.
 3 SECTION 37. [EFFECTIVE UPON PASSAGE] (a)
 4 Notwithstanding IC 16-41-27, as amended by this act, and
 5 IC 25-23.7-8, as added by this act, the state department of health
 6 shall carry out the duties imposed upon it under IC 16-41-27, as
 7 amended by this act, under written interim guidelines approved by
 8 the commissioner of the state department of health.
 9 (b) This SECTION expires on the earlier of the following:
 10 (1) The date on which the state department of health adopts
 11 rules under IC 4-22-2 and IC 16-41-27-8 to carry out
 12 IC 16-41-27, as amended by this act.
 13 (2) June 30, 2005.
 14 SECTION 38. An emergency is declared for this act.

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